



March 17, 2009

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## ENGROSSED SENATE BILL No. 481

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DIGEST OF SB 481 (Updated March 11, 2009 5:58 pm - DI 77)

**Citations Affected:** IC 16-18; IC 16-37.

**Synopsis:** Electronic birth and death registration. Requires the state department of health to develop and implement on January 1, 2011 electronic birth and death registration systems to be used to record birth and death information. Specifies the time frames for submitting the records.

**Effective:** July 1, 2009.

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**Mishler, Yoder**  
(HOUSE SPONSOR — WELCH)

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January 15, 2009, read first time and referred to Committee on Health and Provider Services.

February 5, 2009, amended, reported favorably — Do Pass.

February 9, 2009, read second time, ordered engrossed.

February 10, 2009, engrossed.

February 17, 2009, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 3, 2009, read first time and referred to Committee on Public Health.

March 16, 2009, amended, reported — Do Pass.

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ES 481—LS 7285/DI 14+



March 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 481

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 16-18-2-187.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2009]: **Sec. 187.5. "Indiana birth registration**  
4 **system" or "IBRS", for purposes of IC 16-37, means the electronic**  
5 **system of recording births established under IC 16-37-1-3.1.**  
6 SECTION 2. IC 16-18-2-187.6 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2009]: **Sec. 187.6. "Indiana death**  
9 **registration system" or "IDRS", for purposes of IC 16-37, means**  
10 **the electronic system of recording deaths established under**  
11 **IC 16-37-1-3.1.**  
12 SECTION 3. IC 16-18-2-276 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 276. "Person in  
14 attendance at birth", for purposes of **IC 16-37-1** and IC 16-37-2, has  
15 the meaning set forth in IC 16-37-2-1.  
16 SECTION 4. IC 16-18-2-277 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 277. "Person in charge

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of interment", for purposes of **IC 16-37-1 and IC 16-37-3**, has the meaning set forth in IC 16-37-3-2.

SECTION 5. IC 16-37-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 3.1 (a) Beginning January 1, 2011, the state department shall establish the Indiana birth registration system (IBRS) for recording in an electronic format live births in Indiana.**

**(b) Beginning January 1, 2011, the state department shall establish the Indiana death registration system (IDRS) for recording in an electronic format deaths in Indiana.**

**(c) Submission of records on births and deaths shall be entered by:**

- (1) funeral directors;**
- (2) physicians;**
- (3) coroners;**
- (4) medical examiners;**
- (5) persons in attendance at birth; and**
- (6) local health departments;**

**using the electronic system created by the state department under this section.**

**(d) A person in attendance at a live birth shall report a birth to the local health officer in accordance with IC 16-37-2-2.**

**(e) Death records shall be submitted as follows, using the Indiana death registration system:**

- (1) The person in charge of interment shall initiate the document process and electronically submit the certificate required under IC 16-37-3-5 to the physician last in attendance upon the deceased not later than five (5) days after the death.**
- (2) The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death not later than five (5) days after receiving under IC 16-37-3-5 the electronic notification from the person in charge of interment.**
- (3) The local health officer shall submit the reports required under IC 16-37-1-5 to the state department not later than five (5) days after electronically receiving under IC 16-37-3-5 the completed certificate of death from the physician last in attendance.**

SECTION 6. IC 16-37-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5. (a) On the fourth day of each month The local health officer, on the fourth day of each**

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month, shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month. **However, after December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death.**

(b) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information ~~on a form~~ **each month in a format** prescribed by the state department.

SECTION 7. IC 16-37-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A person in attendance at a live birth shall do the following:

(1) File with the local health officer the following:

(A) A certificate of birth.

(B) Any paternity affidavit executed under section 2.1(c)(1) of this chapter.

**However, beginning January 1, 2011, the person in attendance at a live birth shall use the Indiana birth registration system established under IC 16-37-1-3.1 to electronically file a birth certificate or paternity affidavit under this subdivision.**

(2) Advise the mother of a child born out of wedlock of:

(A) the availability of paternity affidavits under section 2.1 of this chapter; and

(B) the existence of the putative father registry established by IC 31-19-5-2.

(b) If there was no person in attendance at the birth, one (1) of the parents shall file with the local health officer the following:

(1) A certificate of birth.

(2) Any paternity affidavit executed under section 2.1 of this chapter.

(c) If:

(1) no person was in attendance at the birth and neither parent is able to prepare the certificate; or

(2) the local health officer does not receive a certificate of birth;

the local health officer shall prepare a certificate of birth from information secured from any person who has knowledge of the birth.

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(d) A local health department shall inform the Title IV-D agency (as defined in IC 31-9-2-130) regarding each paternity affidavit executed under section 2.1 of this chapter that the local health department receives under this section.

(e) A paternity affidavit executed under section 2.1(c)(1) of this chapter shall be filed with the local health officer not more than five (5) days after the child's birth.

(f) An attorney or agency that arranges an adoption may at any time request that the state department search its records to determine whether a man executed a paternity affidavit under section 2.1 of this chapter in relation to a child who is or may be the subject of an adoption that the attorney or agency is arranging.

(g) Not more than ten (10) days after receiving a request from an attorney or agency under subsection (f), the state department shall submit an affidavit to the attorney or agency verifying whether a paternity affidavit has been filed under this section. If a paternity affidavit has been filed regarding a child who is the subject of a request under subsection (f), the state department shall release a copy of the paternity affidavit to the requesting attorney or agency.

SECTION 8. IC 16-37-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a)** The person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred.

**(b) Notwithstanding subsection (a), beginning January 1, 2011, the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred.**

SECTION 9. IC 16-37-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. **(a)** The person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

**(b) Notwithstanding subsection (a), beginning January 1, 2011, using the Indiana death registration system established under IC 16-37-1-3.1, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 481, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:  
"SECTION 3. IC 16-18-2-276 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 276. "Person in attendance at birth", for purposes of **IC 16-37-1 and IC 16-37-2**, has the meaning set forth in IC 16-37-2-1."

Page 2, line 13, delete "live births;" and insert "**birth;**".

Page 2, line 17, delete "the live" and insert "**a**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 481 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 481, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "and stillbirths".

Page 2, line 5, delete "The" and insert "**Beginning January 1, 2011, the**".

Page 2, line 8, delete "The" and insert "**Beginning January 1, 2011, the**".

Page 2, line 10, delete "and stillbirths".

Page 2, line 11, delete "births, deaths, and stillbirths" and insert "**births and deaths**".

Page 2, line 29, delete "or stillbirth" and insert ".".

Page 2, line 32, delete "or stillbirth".

Page 2, line 38, delete "or stillbirth".

Page 2, delete lines 40 through 42, begin a new paragraph and insert:

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"SECTION 6. IC 16-37-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) ~~On the fourth day of each month~~ The local health officer, **on the fourth day of each month**, shall report to the state department concerning the births, deaths, and stillbirths that occurred within the local health officer's jurisdiction within the preceding month. **However, after December 31, 2010, the local health officer, beginning five (5) days after electronically receiving the form required for the Indiana birth registration system or the Indiana death registration system, shall use the Indiana birth registration system and the Indiana death registration system established under section 3.1 of this chapter to report the births and deaths that occur in the local health officer's jurisdiction, and shall report each birth or death to the state department not later than five (5) days after being informed of the birth or death.**

(b) If there are no births, deaths, or stillbirths to report, the local health officer shall indicate that information ~~on a form~~ **each month in a format** prescribed by the state department.

SECTION 7. IC 16-37-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A person in attendance at a live birth shall do the following:

(1) File with the local health officer the following:

(A) A certificate of birth.

(B) Any paternity affidavit executed under section 2.1(c)(1) of this chapter.

**However, beginning January 1, 2011, the person in attendance at a live birth shall use the Indiana birth registration system established under IC 16-37-1-3.1 to electronically file a birth certificate or paternity affidavit under this subdivision.**

(2) Advise the mother of a child born out of wedlock of:

(A) the availability of paternity affidavits under section 2.1 of this chapter; and

(B) the existence of the putative father registry established by IC 31-19-5-2.

(b) If there was no person in attendance at the birth, one (1) of the parents shall file with the local health officer the following:

(1) A certificate of birth.

(2) Any paternity affidavit executed under section 2.1 of this chapter.

(c) If:

(1) no person was in attendance at the birth and neither parent is able to prepare the certificate; or

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(2) the local health officer does not receive a certificate of birth; the local health officer shall prepare a certificate of birth from information secured from any person who has knowledge of the birth.

(d) A local health department shall inform the Title IV-D agency (as defined in IC 31-9-2-130) regarding each paternity affidavit executed under section 2.1 of this chapter that the local health department receives under this section.

(e) A paternity affidavit executed under section 2.1(c)(1) of this chapter shall be filed with the local health officer not more than five (5) days after the child's birth.

(f) An attorney or agency that arranges an adoption may at any time request that the state department search its records to determine whether a man executed a paternity affidavit under section 2.1 of this chapter in relation to a child who is or may be the subject of an adoption that the attorney or agency is arranging.

(g) Not more than ten (10) days after receiving a request from an attorney or agency under subsection (f), the state department shall submit an affidavit to the attorney or agency verifying whether a paternity affidavit has been filed under this section. If a paternity affidavit has been filed regarding a child who is the subject of a request under subsection (f), the state department shall release a copy of the paternity affidavit to the requesting attorney or agency.

SECTION 8. IC 16-37-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The person in charge of interment shall file a certificate of death or of stillbirth with the local health officer of the jurisdiction in which the death or stillbirth occurred.

**(b) Notwithstanding subsection (a), beginning January 1, 2011, the person in charge of interment shall use the Indiana death registration system established under IC 16-37-1-3.1 to file a certificate of death with the local health officer of the jurisdiction in which the death occurred.**

SECTION 9. IC 16-37-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The person in charge of interment shall present a certificate of death to the physician last in attendance upon the deceased, who shall certify the cause of death upon the certificate of death or of stillbirth.

**(b) Notwithstanding subsection (a), beginning January 1, 2011, using the Indiana death registration system established under IC 16-37-1-3.1, the person in charge of interment shall electronically provide a certificate of death to the physician last in attendance upon the deceased. The physician last in attendance**

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**upon the deceased shall electronically certify to the local health department the cause of death on the certificate of death, using the Indiana death registration system."**

Delete pages 3 through 4.

and when so amended that said bill do pass.

(Reference is to SB 481 as printed February 6, 2009.)

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

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